

REMARKS

Claims 1, 2, 5-33 and 36-59 are all the claims pending in the application. Claims 1, 2, 5-33 and 36-59 remain rejected on the prior art grounds of record.

I. Claim Rejections - 35 USC § 112

Claims 32 and 33 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 32 and 33 remain rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Additionally, claims 36-59 are rejected under 35 U.S.C. §112, first and second paragraphs, since the claims are dependent upon independent claims 32 and 33, respectively.

Applicant submits the amendments made herein obviate the §112, first and second paragraph rejections. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejections.

With regard to claim 1, in the Advisory Action dated May 28, 2008, the Examiner maintains that the claimed feature of "transmitting the header separately from the bit stream transmitted in the operation (b)" is indefinite. More specifically, in step (b) of claim 1, a header is added from each communication protocol layer to a payload while transmitting the bit stream coded in operation (a) to each protocol layer. The Examiner maintains that it is not clear whether the transmitting step (c) means that after the header is added in that layer, the header is then transmitting out to a network, or it is then transmitted to lower layer.

Applicant has amended claim 1 in a manner believed to overcome the Examiner's contention that the claim is indefinite.

II. Claim Rejections - 35 USC § 101

Claims 32, 33, 36-59, stand rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

The Examiner rejects claims 32, 33, 36-59 under §101, asserting that the claims do not have "the claimed computer-readable medium encoded with a computer program (or computer executable instructions or instructions capable of being executed by a computer)."

Applicant submits the amendments made herein obviate the §101 rejection. Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection.

III. Claim Rejections 35 USC § 103

Claims 1, 2, 5-28, 32 and 36-59 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Ludwig (US 6,697,352 B1) and Sutoh (US 6678770 B1) in view of Zhu (US 6,154,780).

Applicant submits that Sutoh can be removed as a reference by perfecting a claim to foreign priority. The above-identified application claims priority under 35 U.S.C. § 119 from Korean Patent Application No. 10-2005-0020780, which has a priority date of February 26, 2000. Furthermore, the filing date of Sutoh, May 25, 2000, is after the priority date of the Korean Patent Application from which the instant application claims priority. Therefore, Sutoh may be removed as a prior art reference by perfecting the claim to foreign priority by filing a verified translation of the foreign priority document.

Applicant is in the process of obtaining a verified translation of Korean Patent Application No. 00-9624 to perfect the claim to priority under 35 U.S.C. § 119. Applicant plans to submit the verified translation of the priority document in due course, and therefore requests a Suspension of Action of three (3) months to complete the same.

With regard to claim 29, the Examiner asserts that the feature in claim 29 "separately transmitting only header information in an unacknowledged or acknowledged mode protocol" contradicts claim 1, which discloses only the header information in the bit stream is separately transmitted in an acknowledged mode. The Examiner asserts that the alleged contradiction must be corrected.

Applicant respectfully submits that claim 29 is not dependent upon claim 1, and thus even if these claims contradict each other, no correction is required.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Christopher R. Lipp
Registration No. 41,157

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

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